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28 **UNITED STATES DISTRICT COURT**

1 **NORTHERN DISTRICT OF CALIFORNIA**

2 **SAN FRANCISCO DIVISION**

3 MAXIMILIAN KLEIN, et al., on behalf of
4 themselves and all others similarly situated,

5 Plaintiffs,

6 v.

7 META PLATFORMS, INC., a Delaware
8 Corporation,

9 Defendant.

10 Case No. 3:20-cv-08570-JD

11 **STIPULATED [PROPOSED] ORDER
12 MODIFYING SEALING PROCEDURES
13 RELATING TO DISPOSITIVE
14 MOTIONS AND MERITS DAUBERT
15 BRIEFING**

16 Judge: Hon. James Donato

1 WHEREAS, this Court’s November 18, 2022 Amended Scheduling Order set a schedule
2 for briefing associated with dispositive motions and merits *Daubert* motions. As set forth in the
3 scheduling order, the last date to file dispositive motions and merits *Daubert* motions is April 5,
4 2024, and briefing is scheduled to be complete on those motions on May 21, 2024. The scheduling
5 order also calls for the parties to file, on May 28, 2024, a joint submission for the merits concurrent
6 expert proceeding. Dkt. 379.

7 WHEREAS, the parties anticipate that briefing on any dispositive motions and merits
8 *Daubert* motions and the joint submission for the merits concurrent expert proceeding would
9 involve “voluminous or multiple administrative motions to seal … if normal procedures were
10 followed,” including motions to consider whether multiple non-parties’ information should be
11 sealed. Accordingly, the parties believe that these filings are subject to the procedure set forth in
12 Paragraph 31 of the Court’s Standing Order for Civil Cases, which calls for the filing of a single
13 combined administrative motion to seal covering all unopposed sealing requests, and a single
14 combined administrative motion to seal covering all opposed requests, following the completion
15 of briefing (“Omnibus Sealing Motions”).

16 WHEREAS, given that pursuant to Paragraph 31, the Omnibus Sealing Motions will
17 supersede any interim sealing motions that would ordinarily accompany the parties’ opening
18 briefs, opposition briefs, reply briefs, and the joint submission for the merits concurrent expert
19 proceeding, the parties believe it will be most efficient for the Court, the parties, and any implicated
20 non-parties to handle all sealing issues in Omnibus Sealing Motions to be filed following the filing
21 of these materials.

22 WHEREAS, the parties have conferred and jointly propose, subject to the Court’s approval,
23 certain modifications to this Court’s procedures for sealing of filings associated with dispositive
24 motion briefing, merits *Daubert* briefing, and the joint submission for the merits concurrent expert
25 proceeding, for efficiency and to reduce burden on the Court, the parties, and any implicated non-
26 parties. The parties are mindful of the Court’s instructions that sealing requests should be few,
27 narrowly tailored, and well-supported. *See* Dkt. 344.

28 WHEREAS, this Court previously approved similar modifications to its sealing procedures

1 for the parties' briefing on motions for class certification and related *Daubert* motions, Dkt. 656,
2 and the parties understand that this Court has approved similar modifications to its sealing
3 procedures in other similar contexts, *In re Google Play Store Antitrust Litig.*, 3:21-md-02981-JD,
4 Dkts. 246, 256, 496 (N.D. Cal.).

5 NOW, THEREFORE, IT IS STIPULATED AND AGREED SUBJECT TO THE
6 COURT'S APPROVAL:

- 7 • The parties shall file redacted versions of dispositive motions briefing, merits
8 *Daubert* briefing, and the joint submission for the merits concurrent expert
9 proceeding, as separate entries on the ECF docket; and
- 10 • The parties shall also contemporaneously file unredacted copies of all documents
11 on the ECF docket provisionally under seal, along with a one-page interim sealing
12 motion which may indicate that the reasons for sealing will be discussed in a
13 forthcoming Omnibus Sealing Motion; and
- 14 • The parties and any non-parties shall jointly file Omnibus Sealing Motions
15 covering the dispositive motions briefing, merits *Daubert* briefing, and the joint
16 submission for the merits concurrent expert proceeding 30 days after the last of
17 these documents is filed;
- 18 • For briefing on other motions or other filings not referenced in this stipulation that
19 the parties anticipate would involve voluminous or multiple administrative motions
20 to seal if normal procedures were followed, the parties may agree to use the sealing
21 procedure set out in this stipulation without seeking further authorization from the
22 Court. For such filings, the parties shall file redacted versions of the relevant
23 documents as separate entries on the ECF docket; contemporaneously file
24 unredacted copies of all documents on the ECF docket provisionally under seal,
25 along with a one-page interim sealing motion which may indicate that the reasons
26 for sealing will be discussed in a forthcoming Omnibus Sealing Motion; and the
27 parties and any non-parties shall jointly file Omnibus Sealing Motions covering
28 such filings 30 days after the last document associated with the relevant motion or

1 other filing is filed.
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3 **IT IS SO STIPULATED.**
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DATED: March 25, 2024

By: /s/ Shana E. Scarlett

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Respectfully submitted,

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SIGNATURE ATTESTATION

2 This document is being filed through the Electronic Case Filing (ECF) system by attorney
3 Sonal N. Mehta. By her signature, Ms. Mehta attests that she has obtained concurrence in the
4 filing of this document from each of the attorneys identified on the caption page and in the above
5 signature block.

By: /s/ Sonal N. Mehta
Sonal N. Mehta

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 25, 2024

~~JAMES DONATO~~
United States District Judge